FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re: STEVEN H. STERN, *Debtor,* --- DAVID A. GILL, Chapter 7 Trustee, *Appellant,* v. STEVEN H. STERN, *Appellee.*	No. 00-56431 D.C. No. CV-98-07415-GAF
In re: STEVEN H. STERN, *Debtor,* --- STEVEN H. STERN, *Appellant,* v. DAVID A. GILL, Chapter 7 Trustee, *Appellee,* and DOVE AUDIO, INC., *Plaintiff.*	No. 00-56526 D.C. No. CV-98-07415-GAF ORDER

Filed February 27, 2003

ORDER

ALARCÓN, Circuit Judge:

The dissent filed February 4, 2003, Nos. 00-56431, 00-56526, slip op. at 1552-53 is corrected as follows. Footnote One in the dissent should read:

At oral argument, Stern's attorney quoted *Wudrick*, and attempted to convince this Court that the words "per se" were superfluous:

> "[T]he purposeful conversion of nonexempt assets to exempt assets on the eve of bankruptcy is not fraudulent per se." And what he [Mr. Burstein, Appellant's counsel] seems to be saying if I understand him is those two words, "per se," at the end may open up some door, though I've already answered if you assume that opens up a door what could there be behind that door? And the answer is, nothing that changes it. But what's interesting in terms of case analysis, if you take those two words off of there, I can't imagine he could even make the argument, and if *Wudrick* read, "It has long been the rule in this and other jurisdictions that the purposeful conversion of nonexempt assets to exempt assets on the eve of bankruptcy is not fraudulent," period . . . I can't even imagine that this would be considered anything but a pure reversal of *Wudrick*, and to suggest that those two words there in that context really mean anything but that, alternatively, is not per se fraudulent. Well, would that open a door? The test has to be what could be behind that door . . . .

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